

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Kitchen Productions, Inc.  
d/b/a Tortoise Paging,  
Complainant,

v.

Desert Mobilfone,  
Defendant

File No. WB/ENF-F-99-008

**ORDER**

**Adopted: March 1, 2000**

**Released: March 2, 2000**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. Kitchen Productions, Inc. filed the above-captioned formal complaint, pursuant to Section 208 of the Communications Act,<sup>1</sup> against Desert Mobilfone on August 31, 1999. Kitchen Productions alleged therein that Desert Mobilfone had operated a common carrier paging radio station licensed to it in an unauthorized manner in violation of Sections 22.535(c) and 22.352(a) of the Commission's Rules<sup>2</sup> and Section 301 of the Communications Act.<sup>3</sup> After the complaint was filed and served on the defendant, further proceedings herein were stayed at the request of the parties, in order to facilitate settlement negotiations between the parties. The parties have now reached a mutually satisfactory settlement agreement, and Kitchen Productions on December 22, 1999, filed a pleading titled, "Withdrawal of Formal Complaint," in which it states that it has withdrawn its complaint and in which it requests the Commission to dismiss its complaint with prejudice.

2. We are satisfied that dismissing the complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

3. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), 4(j), and 208 of the Communications Act,<sup>4</sup> and the authority delegated in Sections 0.111 and 0.311 of the Commission's Rules,<sup>5</sup> that Kitchen Productions' request IS GRANTED.

<sup>1</sup> 47 U.S.C. § 208.

<sup>2</sup> 47 C.F.R. §§ 22.535(c) and 22.352(a).

<sup>3</sup> 47 U.S.C. § 301.

<sup>4</sup> 47 U.S.C. §§ 151, 154(i), 154(j) and 208.

<sup>5</sup> 47 C.F.R. §§ 0.111 and 0.311.

4. IT IS FURTHER ORDERED that the above-captioned complaint IS DISMISSED WITH PREJUDICE and that this proceeding IS TERMINATED.

**FEDERAL COMMUNICATIONS COMMISSION**

Glenn T. Reynolds  
Chief  
Market Disputes Resolution Division  
Enforcement Bureau